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JACK M. BERNARD, ESQUIRE

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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

DRISSA KONE :
6423 Dicks Avenue :
Philadelphia, PA 19142 :
and :
ANYAMA TRUCKING INC. :
1010 Serrill Avenue :
Yeadon, PA 19050 :
Plaintiffs, :
vs. :
IKEA, IKEA DISTRIBUTION :
SERVICES, INC. :
100 Ikea Drive :
Westampton, NJ 08060-5112 :
and :
BNSF LOGISTICS, LLC :
4700 S. Thompson Street :
Springdale, AZ 72764 :
Defendants

No. 14-0924

COMPLAINT

I.

JURISDICTION AND VENUE

1. Plaintiff, Drissa Kone, is a citizen of the Commonwealth of Pennsylvania.
Plaintiff, Anyama Trucking, Inc., is a corporation organized and existing pursuant to the

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Business Corporation Law of the Commonwealth of Pennsylvania, having its principal place of business in the Commonwealth of Pennsylvania.

2. Defendant, IKEA, is a business entity incorporated under various names, including IKEA Distribution Services, Inc., which is organized and incorporated pursuant to the laws of a State other than the Commonwealth of Pennsylvania, having its principal place of business in a State other than the Commonwealth of Pennsylvania.

3. Defendant, BNSF Logistics, LLC, is a limited liability company organized under the laws of a State other than the Commonwealth of Pennsylvania, having its principal place of business in a State other than the Commonwealth of Pennsylvania.

4. The amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. Venue lies in this District, in that one or more of the Defendants is subject to personal jurisdiction in this District.

II.

IDENTITY OF THE PARTIES

6. Anyama Trucking, Inc. (“Anyama”) provides trucking services, either directly or as a subcontractor. Anyama owns a tractor trailer licensed by the Commonwealth of Pennsylvania.

7. Drissa Kone (“Kone”) is the principal of Anyama, and holds a commercial operator’s license issued by the Commonwealth of Pennsylvania.

8. IKEA manufactures, imports, and delivers furniture to its various locations throughout the United States.

9. IKEA Distribution Services, Inc. ("Distribution") owns and operates a warehouse and storage facility in Westampton, New Jersey.

10. BNSF Logistics, LLC ("BNSF") is a freight broker with locations and offices throughout the United States.

III.

FACTUAL NARRATIVE

11. On February 18, 2012, Anyama received a truckload of furniture from IKEA that was loaded in Anyama's trailer by employees of Distribution and/or BNSF at IKEA's storage facility in Westampton, New Jersey.

12. The furniture stored on pallets was carelessly and negligently placed on the right side of Anyama's trailer. The weight of the furniture was declared to be 44,500 pounds. On information and belief, the weight was in excess of that amount. After loading the trailer, Defendants' employees sealed the back blocking view of the placement of the load.

13. Kone was instructed to drive the truckload of furniture to a rail yard located in Langhorne, Pennsylvania en route to IKEA's warehouse in Schaumberg, Illinois. A true copy of the bill of lading is attached hereto and marked as Exhibit "A."

14. Kone operated the tractor-trailer for approximately one and one-half miles when it rolled over as a result of improper loading when Kone was attempting to enter I-295 northbound from Rancocas, New Jersey.

IV.

LIABILITY AND DAMAGES

15. IKEA, Distribution and BNSF owed a duty to Kone to safely load the pallets of furniture so that the weight would be evenly distributed. Said Defendants knew, or should have

known, that loading the furniture entirely on one side of the trailer was dangerous and likely to cause rollover.

16. Said Defendants breached their duty of care as aforesaid, causing bodily injuries suffered by Kone, property damage, towing expense and cargo losses by Kone and Anyama when the load of furniture shifted from the right side to the driver's side causing rollover.

17. As a direct and proximate result thereof, Kone suffered severe injuries in and about his shoulders, arms, lower back and knees, some of which may be permanent, consisting in part of a herniated lumber disc at L5-S1 and a bulging disc at L4-L5, radiating to both legs; loss of income; loss of wages; and medical expenses for diagnosis and treatment, as well as deprivation of social, recreational and leisure activities.

18. As a further direct and proximate result of Defendants' negligence, Kone and Anyama incurred damages totaling approximately \$46,446.00 for damage to the tractor and trailer, towing expenses and a cargo loss claim made by Evans Delivery Company, Inc. against Plaintiffs.

WHEREFORE, Plaintiffs claim damages against Defendants individually, jointly and severally, in excess of the sum of Seventy-Five Thousand Dollars (\$75,000.00), interest and costs.

Date: Feb. 14, 2014



JACK M. BERNARD, ESQUIRE
Attorney for Plaintiffs

EXHIBIT “A”

STRAIGHT BILL OF LADING1439647
SHORT FORM Not Negotiable**BNSF Logistics, LLC**

Date: 02/18/12

(Name of Carrier)

(SCAC)

TO:

IKEA CHICAGO - SCHAUMBURG

1800 East McConner Parkway

Schaumburg 60173 US

FROM:

IKEA 061

New Jersey Distribution Center

100 IKEA Drive

Westampton, NJ 08060

ROUTE:

210

U.S. DOT Hazmat Reg. No.

Vehicle Number

XXXXXX

JBHU246110

NO. SHIPPING UNIT	O HM	Description of Articles, Special Marks, and Exceptions	Weight (Subject to Correction)	Class or Rate	Charges (For Carrier Use Only)	Check Column
1	T/L	FURNITURE K.D # PALLETS	44,500 lbs	X	X	X
		Astro Route : 210T51-1				
		Astro Trip Id : 610068975				
		S Number : S988385				
		Pars :				
		Pick up Time : 02/18/12 11:30 PM				
		Drop off Time : 02/22/12 04:30 AM				
		Questions/Comments - IKEA Traffic 609-261-1208 x 2375 Or Contact Your Driver Manager			Driver Time	
		SEAL # E3247742			Arrival Time:	
					Depart Time:	
					IKEA Signature:	
					Co-Worker Name:	

MIT C.O.D. TO:

ADDRESS:

TY:

STATE: ZIP:

COD AMT: \$

C.O.D. Fee:
 PREPAID COLLECT \$

The shipment moves between two ports by a carrier by water, the
requires that the bill of lading shall state whether it is "carrier's or
per's weight".
where the rate is dependent on value, shippers are required to
specifically in writing the agreeor declared value of the property
agreed or declared value of the property is hereby specifically
by the shipper to be not exceeding _____ per

Subject to Section 7 of conditions of applicable bill of lading, if this
shipment is to be delivered to the consignee without recourse on the
consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of this shipment without payment
of freight and all other lawful charges.

Total
Charges: \$

Freight Charges

Freight Prepaid
except when box
at right is checkedCheck Box
if charges to
be collect

REIVED, subject to the classifications and tariffs in effect on the date of this Bill of Lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages
known), marked, consigned, and destined as indicated above, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession) of the
entity under the contract) agrees to carry to its usual place of delivery at said destination, if on its own road or its own water line, otherwise to deliver to another carrier on the route to said destination. It is
agreed as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be
rendered hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained (as specified in Appendix B to Part 1035) which are hereby agreed to by the shipper and
ated for himself and his assigns.

is to certify that the above-named materials are properly classified, described, packaged, marked, and labeled, and are in proper condition for
transportation according to the applicable regulations of the Department of Transportation PER:

Shipper: IKEA Distribution Services

Carrier:

DP

Per:

ate: 2-18-12

Date:

Emergency Response Telephone
Number

(410) 642-2795

MONITORED AT ALL TIMES THE HAZARDOUS MATERIAL IS IN TRANSPORTATION
INCLUDING STORAGE INCIDENTAL TO TRANSPORTATION.
(172.604)

CIVIL COVER SHEET

The JS 44 civil cover sheet at the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided in local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of maintaining the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

DRISSA KONE ANYAMA TRUCKING, INC.
6423 Dicks Avenue 1010 Serrill Avenue
Philadelphia, PA 19142 Yeadon, PA 19050

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. REACTIONS CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jack M. Bernard, Esquire
930 Land Title Building, 100 South Broad Street
Philadelphia, PA 19110 (215) 665-0666

DEFENDANTS

IKEA, IKEA DISTRIBUTION SVCS, INC. BNSF LOGISTICS, LLC
100 Ikea Drive 4700 S. Thompson Street
Westampton, NJ 08060-5112 Springdale, AZ 72764

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 160 Stockholders' Suit	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 199 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	LABOR	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
		<input type="checkbox"/> 720 Labor/Management Relations	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 791 Employee Retirement Income Security Act		<input type="checkbox"/> 950 Constitutionality of State Statutes
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §1332

VI. CAUSE OF ACTION

Brief description of cause:
Motor Vehicle Accident

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

JUDGE

DOCKET NUMBER

DATE

02/14/2014

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

SIGNATURE OF ATTORNEY OF RECORD

Jack M. Bernard

2014

MAB

CDJ
FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6423 Dicks Avenue, Philadelphia, PA 19142

Address of Defendant: 100 Ikea Drive, Westampton, NJ 08060-5112

Place of Accident, Incident or Transaction: Entrance to I-295 Northbound from Rancocas, New Jersey
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

UNKNOWN

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____

Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place ✓ IN ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases
 (Please specify) _____

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases
 (Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

26643

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/14/2014

Attorney-at-Law

26643

Attorney I.D.#

CIV. 609 (5/2012)

CDJ

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

DRISSA KONE and ANYAMA TRUCKING, INC. : CIVIL ACTION
Plaintiffs :

v.

IKEA, IKEA DISTRIBUTION SERVICES, INC. :
and BNSF LOGISTICS, LLC, : NO. *14-cv-144*

Defendants

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (x)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

2-14-14DateJacob M. BernardAttorney for Plaintiffs(215) 665-0666(267) 514-8609jbernard@verizon.netTelephoneFAX NumberE-Mail Address